

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

RECEIVED

JUN 26 2018

UNITED STATES OF AMERICA

v.

ERIC STAJOS
PHOENIX IMPORTS, INC.
BIG FIREWORKS
AMERICAN EAGLE SUPERSTORE, INC.



) CRIM. NO. 7:18cr644

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18 U.S.C. § 371

18 U.S.C. § 545

18 U.S.C. § 981(a)(1)(C)

18 U.S.C. § 982(a)(2)(B)

28 U.S.C. § 2461(c)

INDICTMENT

(Under Seal)

FLORENCE, S.C.

COUNT 1

THE GRAND JURY CHARGES:

BACKGROUND

1. ERIC STAJOS is a resident of South Carolina. ERIC STAJOS was the president of PHOENIX IMPORTS, INC., BIG FIREWORKS, and AMERICAN EAGLE SUPERSTORE, INC.

2. PHOENIX IMPORTS, INC., was a fireworks importer located in Lansing, Michigan.

3. BIG FIREWORKS was a seller and distributor of fireworks located in Ft. Mill, South Carolina, as well as Lansing, Michigan; Hutchinson, Kansas; North Wichita Falls, Texas; and Anacortes, Washington.

4. AMERICAN EAGLE SUPERSTORE, INC., was a retail seller of fireworks located in Lansing, Michigan.

5. [REDACTED] was an exporter of fireworks located in Changsha, Hunan, China, and also the owner of [REDACTED]

6. [REDACTED] was a distributor and seller of fireworks located in Blacksburg, South Carolina.

THE CONSPIRACY

7. On or about January 17, 2012, to in or around August 2015, in the District of South Carolina and elsewhere, ERIC STAJOS, PHOENIX IMPORTS, BIG FIREWORKS, AMERICAN EAGLE SUPERSTORE, INC., [REDACTED] [REDACTED] the defendants, did knowingly and willfully, with intent to defraud the United States, smuggle, and clandestinely introduce and attempt to smuggle and clandestinely introduce into the United States merchandise; that is, unapproved fuses, which should have been invoiced, and made out and passed, and attempted to pass, through the customhouse a false, forged, and fraudulent invoice, and other document and paper; in violation of Title 18, United States Code, Section 545.

MANNER AND MEANS

It was part of the conspiracy that:

8. On or about January 17, 2012, ERIC STAJOS received an email from an employee of [REDACTED] on which [REDACTED] was copied, indicating “hundreds of cases of fuse[s]” in two shipping containers would be arriving in the United States while not being identified on the invoices. In order to maintain the count of fireworks, the number of approved BF190 fireworks was inflated. The employee wrote, “And we also sent you two sets of invoices

as attached, The red ones are the actual invoices which include the fuses, the black ones are for you to clear customs which are without fuses on them according to your requirement.”

9. On or about April 7, 2012, an employee of [REDACTED] sent ERIC STAJOS an email indicating the concealment of BF1923 (“Fear in My Enemies Eyes”) fireworks by characterizing them as fireworks known as “Titan’s”.

10. Also on or about April 30, 2012, an employee of [REDACTED] sent ERIC STAJOS an email indicating “Multiplicity” and “Synchronicity” fireworks were not shown on the invoices. Both were disguised as approved firework BF1905.

11. The pattern of concealing unapproved fireworks by characterizing them as approved fireworks continued from at least January 2012 through August 2015, when shipments were found containing unapproved Cannon Fuses, Perfect Fuses, and Quick Fuses. Corresponding invoices contained no mention of these fuses, which had not been approved for import into the United States.

12. Two of these containers (Container Numbers TCLU5354427 and CAXU9361667) were shipped by [REDACTED] and entities under his control to ERIC STAJOS d/b/a BIG FIREWORKS in South Carolina.

13. Two additional containers (Container Numbers TEMU6235203 and SEGU5128539) were shipped by [REDACTED] to his own company, [REDACTED]

14. All of these shipments contained false invoices to conceal the unapproved fireworks contained therein.

OVERT ACTS

In furtherance of the conspiracy, defendants ERIC STAJOS, PHOENIX IMPORTS, BIG FIREWORKS, AMERICAN EAGLE SUPERSTORE, INC., [REDACTED] committed the following overt acts in the District of South Carolina:

15. On or about January 17, 2012, ERIC STAJOS received an email from an employee of [REDACTED] on which [REDACTED] was copied, indicating “hundreds of cases of fuse[s]” in two shipping containers would be arriving in the United States while not being identified on the invoices.

16. On or about April 7, 2012, an employee of [REDACTED] sent ERIC STAJOS an email indicating the concealment of BF1923 (“Fear in My Enemies Eyes”) fireworks by characterizing them as fireworks known as “Titan’s”.

17. Also on or about April 30, 2012, an employee of [REDACTED] sent ERIC STAJOS an email indicating “Multiplicity” and “Synchronicity” fireworks were not shown on the invoices. Both were disguised as approved firework BF1905.

18. On or about May 28, 2015, Container Number TCLU5354427 was shipped by WOODY TANG and entities under his control to ERIC STAJOS d/b/a BIG FIREWORKS in South Carolina.

19. On or about June 3, 2015, Container Number CAXU9361667 was shipped by [REDACTED] and entities under his control to ERIC STAJOS d/b/a BIG FIREWORKS in South Carolina.

20. On or about July 7, 2015, Container Number TEMU6235203 was shipped by [REDACTED] to his own company, [REDACTED]

21. On or about July 7, 2015, Container Number TEMU6235203 was shipped by [REDACTED] to his own company, [REDACTED]

All in violation of Title 18, United States Code, Section 371.

COUNT 2
(SMUGGLING)

THE GRAND JURY FURTHER CHARGES:

On or about May 28, 2015, in the District of South Carolina and elsewhere, the Defendants, PHOENIX IMPORTS, ERIC STAJOS, BIG FIREWORKS, and AMERICAN EAGLE SUPERSTORE, did knowingly and willfully, with intent to defraud the United States, smuggle, and clandestinely introduce and attempt to smuggle and clandestinely introduce into the United States merchandise; that is, unapproved fuses in Container Number TCLU5354427, which should have been invoiced, and made out and passed, and attempted to pass, through the customhouse a false, forged, and fraudulent invoice, and other document and paper;

In violation of Title 18, United States Code, Section 545.

COUNT 3
(SMUGGLING)

THE GRAND JURY FURTHER CHARGES:

On or about June 3, 2015, in the District of South Carolina and elsewhere, the Defendants, PHOENIX IMPORTS, ERIC STAJOS, BIG FIREWORKS, and AMERICAN EAGLE SUPERSTORE, did knowingly and willfully, with intent to defraud the United States, smuggle, and clandestinely introduce and attempt to smuggle and clandestinely introduce into the United States merchandise; that is, unapproved fuses in Container Number CAXU9361667, which should have been invoiced, and made out and passed, and attempted to pass, through the customhouse a false, forged, and fraudulent invoice, and other document and paper;

In violation of Title 18, United States Code, Section 545.

COUNT 4
(SMUGGLING)

THE GRAND JURY FURTHER CHARGES:

On or about July 7, 2015, in the District of South Carolina and elsewhere, the Defendants, [REDACTED] did knowingly and willfully, with intent to defraud the United States, smuggle, and clandestinely introduce and attempt to smuggle and clandestinely introduce into the United States merchandise; that is, unapproved fuses in Container Number TEMU6235203, which should have been invoiced, and made out and passed, and attempted to pass, through the customhouse a false, forged, and fraudulent invoice, and other document and paper;

In violation of Title 18, United States Code, Section 545.

COUNT 5
(SMUGGLING)

THE GRAND JURY FURTHER CHARGES:

On or about July 7, 2015, in the District of South Carolina and elsewhere, the Defendants,

[REDACTED]
[REDACTED], did knowingly and willfully, with intent to defraud the United States, smuggle, and clandestinely introduce and attempt to smuggle and clandestinely introduce into the United States merchandise; that is, unapproved fuses in Container Number SEGU5128539, which should have been invoiced, and made out and passed, and attempted to pass, through the customhouse a false, forged, and fraudulent invoice, and other document and paper:

In violation of Title 18, United States Code, Section 545.

FORFEITURE

CONSPIRACY TO SMUGGLE GOODS INTO THE UNITED STATES:

A. Upon conviction for violation of Title 18, United States Code, Section 371 (conspiracy to violate 18 U.S.C. § 545) as charged in this Indictment, the defendants, ERIC STAJOS, BIG FIREWORKS, PHOENIX IMPORTS, and AMERICAN EAGLE SUPERSTORE, shall forfeit to the United States any property, real or personal, which constitutes or is derived from any proceeds the defendants obtained, directly or indirectly, as the result of such violation and any property traceable to such property.

SMUGGLING GOODS INTO THE UNITED STATES:

A. Upon conviction for violation of Title 18, United States Code, Sections 545 as charged in this Indictment, the defendants ERIC STAJOS, BIG FIREWORKS, PHOENIX IMPORTS, and AMERICAN EAGLE SUPERSTORE, shall forfeit to the United States any property used or intended to be used, in any manner or part, to commit or facilitate the commission of the offense, and property, real or personal, which constitutes or is derived from any proceeds the defendants obtained, directly or indirectly, as the result of such violation, and any property traceable to such property.

PROPERTY:

A. Pursuant to 18 U.S.C. §§ 545, 981(a)(1)(C), 982(a)(2)(B) and 28 U.S.C. § 2461(c), the property which is subject to forfeiture upon conviction of the defendants, ERIC STAJOS, BIG FIREWORKS, PHOENIX IMPORTS, and AMERICAN EAGLE SUPERSTORE, for the violation charged in this Indictment includes, but is not limited to, the following:

(1) Forfeiture Judgment:

A sum of money equal to all proceeds the defendants obtained directly or indirectly as the result of the offenses charged in this Indictment, or traceable to such property, and all interest and proceeds traceable thereto.

(2) Explosives:

(A) South Carolina Distributor- TEMU6235203 and SEGU5128539

1. PRH/FWK GG0138 GREAT GRIZZLY HO
2. PRH/FWK GG0314 STORMY NIGHTS
3. PRH/FWK HF-T8500A-H2 PARTY SNAP
4. PRH/FWK L504 B-3 BOMBER W/REPOR
5. PRH/FWK MB-0445 MEGABANGER WHIS
6. PRH/FWK MB-1309 MEGABANGER SOLA
7. PRH/FWK MB1310 MEGABANGER TOO B
8. PRH/FWK MB-7103 MEGABANGER CONE
9. PRH/FWK MB-7200 ABC MEGABANGER
10. PRH/FWK MB-7201 ABC MEGABANGER
11. PRH/FWK MB-8203 MEGABANGER HOWL
12. PRH/FWK MB-8205 MEGABANGER KILL
13. PRH/FWK MB-T0513 MEGABANGER PAR
14. PRH/FWK MB-T5502 MEGABANGER DOU
15. PRH/FWK MB-T8502 MEGABANGER CHA
16. PRH/FWK MB-T8502-6 MEGABANGER C
17. PRH/FWK MB-T8571 MEGABANGER SMO
18. PRH/FWK MB-9106 GREEN FUSE
19. PRH/FWK MB-9107 QUICK FUSE
20. PRH/FWK HF-0740(B) BLACK JACK C
21. PRH/FWK HF-0750(B) BLACK JACK C
22. PRH/FWK MEGABANGER COLOR SMOKE
23. PRH/FWK MB-0860C MEGABANGER COL
24. PRH/FWK MB-0978(B) MEGABANGER G
25. PRH/FWK MB-589-AR MEGABANGER EX
26. PRH/FWK MB-8336 SANDSTORM
27. PRH/FWK MB-8345 MEGABANGER SWEE
28. PRH/FWK MB-8359 MEGABANGER BAIT
29. PRH/FWK MB-K1131AST MEGABANGER
30. PRH/FWK MB-M60-12B MEGABANGER M
31. PRH/FWK MB-NS1000 NEON SPARKLER
32. PRH/FWK MB-T0546 MEGABANGER ASS
33. PRH/FWK POSTERS-NO DECLARED VAL
34. PRH/FWK SAMPLE MB-9016 GREEN FU
35. PRH/FWK SAMPLE MB-9017 QUICK FU

(B) Phoenix-TCLU5354427

1. FWK CANNON FOUNTAIN
2. PRH/FWK CANNON FUSE
3. PRH/FWK CRACKLING SILVER DRAGON
4. PRH/FWK FAMILY PACK # 4
5. PRH/FWK FEAR IN MY ENEMY EYES
6. PRH/FWK FESTIVAL BALL
7. PRH/FWK GOLD SPARKLERS
8. PRH/FWK HIRED GUN BOUNTY HUNTER
9. PRH/FWK PERFECT FOUNTAIN
10. PRH/FWK PERFECT FUSE
11. PRH/FWK QUICK FOUNTAIN
12. PRH/FWK QUICK FUSE
13. PRH/FWK SILVER SALUTE
14. PRH/FWK TELL 'EM WHERE YOU GOT
15. PRH/FWK WICKED WILLOWS
16. PRH/FWK SAMPLE CANNON FOUNTAIN
17. PRH/FWK SAMPLE FEAR IN MY ENEMY
18. PRH/FWK SAMPLE PERFECT FOUNTAIN
19. PRH/FWK SAMPLE QUICK FOUNTAIN

SUBSTITUTE ASSETS:

A. If any of the property described above as being subject to forfeiture to the United States, as a result of any act or omission of the defendants,

- (1) Cannot be located upon the exercise of due diligence;
- (2) Has been transferred or sold to, or deposited with a third party;
- (3) Has been placed beyond the jurisdiction of the Court;
- (4) Has been substantially diminished in value; or
- (5) Has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Sections 982(b)(1), [incorporating Title 21, United States Code, Section 853(p)], to seek forfeiture of any other property of the said defendants up to the value of the above forfeitable property;

Pursuant to Title 18, United States Code, Sections 545, 981(a)(1)(C), and 982(a)(2)(B), and Title 28, United States Code, Section 2461(c).

A Tzuy B. Y. BILL

REDACTED

FOREPERSON

Sherril A. Lydon
SHERRI A. LYDON (WDHjr)
UNITED STATES ATTORNEY